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Dept. of Ecology

Toxics Cleanup Program

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NORTHWEST PULP&PAPER

August 11, 2006

Department of Ecology
Toxics Clean-up Program
PO Box 47600
Olympia, WA 98504-7600

Attention: Jim Pendowski
Peter Kmet

RE: Proposed Amendments to the MTCA Cleanup Regulation Addressing Policies
and Procedures for Certain Types of Chemical Mixtures

Dear Sirs:

This letter constitutes the comments of the Northwest Pulp and Paper Association on the pre-proposal to amend the Model Toxics Control Act (MTCA) Clean-up Regulation (Chapter 173-340 WAC).

NWPPA supports the policy concerns raised by the Association of Washington Business (AWB) and the technical concerns raised by the National Council for Air and Stream Improvement (NCASI). NWPPA incorporates those comments by reference and has the following additional observations:

- Ecology appears to be moving too quickly for the issues involved. Ecology is portraying the proposal as a narrow rulemaking to simply incorporate an unwritten policy; however, the regulatory community has never had the opportunity to explore the ramifications of that policy and sees this proposal as raising broad issues.
- Ecology's speediness appears to be at the expense of newer science regarding risk due to contaminated soils. These newer scientific issues include: whether the TEQ/TEF concept is appropriately applied to soils; the degree to which dioxin is bioavailable from soil as compared to food; whether there are risks at the extremely low clean-up standards Ecology is considering; etc.
- Ecology's haste also appears to be precluding policy discussions of alternative approaches that could be useful in considering site-specific issues relative to the newer science.

- Ecology's fast track also appears to create a disadvantage in that there is not enough time to evaluate similar or greater concerns regarding Ecology's proposal to include PCBs and PAHs.

NWPPA urges Ecology to provide a rationale for the need in our state for driving these extremely low clean-up levels, that, in many cases, will be below background levels, particularly for urban areas. The Technical Support Document needs to be considerably fleshed out to address newer science, actual need in our state versus costs, and policy alternatives.

Thank you for consideration of these remarks.

Sincerely,

A handwritten signature in black ink, reading "Llewellyn Matthews". The signature is written in a cursive, flowing style.

Llewellyn Matthews
Executive Director